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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,265	05/31/2000	Jonathan L. Edwards	NA11P003/00.069.01	5510

28875 7590 10/23/2003

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EXAMINER

TRAN, TONGOC

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 10/23/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,265

Applicant(s)

EDWARDS ET AL.

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

1. This office action is in response to applicants' application serial no. 09/586,265 filed on 5/31/2000.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Walsh et al. (U.S. Patent No. 5,956,481).

4. In respect to claims 1, 7 and 13, Walsh discloses a method, a computer program product and a system for an on-access computer virus scanning of files in an efficient manner, comprising the steps of:

(a) identifying a process for accessing files and selecting virus detections actions based at least in part on the identified process if no identifier is assigned thereto (see Fig. 2, item 202 and col. 10, lines 17-34);

(b) assigning an identifier to the process if no identifier is assigned thereto (see col. 6, lines 18-20);

(c) selecting virus detection actions based at least in part on the identifier if existent (see col. 6, lines 20-30); and

(d) performing the virus detection actions on the files (see col. 6, lines 20-30).

5. In respect to claims 2, 8 and 14, Walsh further discloses "wherein the identifier is cleared upon the occurrence of a predetermined event" (see col. 6, lines 22-26).
6. In respect to claims 3, 9 and 15, Walsh further discloses "wherein the identifier is reused after being cleared" (see col. 6, lines 22-26).
7. In respect to claims 4, 10 and 16, Walsh further discloses "wherein the event is the termination of an application" (see col. 6, lines 22-26).
8. In respect to claims 5, 11 and 17, further discloses "wherein the identifier is assigned by the application" (see col. 6, lines 18-20).
9. In respect to claims 6, 12 and 18, further discloses "wherein the application is adapted for executing the process" (see col. 6, lines 18-20)

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Nachenberg discloses an antivirus accelerator for examining file associated with a digital computer to determine whether a computer virus is present within the file.

-Chen discloses an antivirus agent for use with database and mail servers.

-Hodges et al. Discloses a method and system for providing automated updating and upgrading of antivirus applications using computer network.

-Chen et al. Discloses an event triggered iterative virus detection.

-Kouznetsov discloses a method and system for allowing computer programs easy access to features of a virus scanning engine.

-Touboul discloses a system and method for protecting a computer and a network from hostile downloadables.

-Blonder discloses an isolation of non-secure software from secure software to limit virus infection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (703) 305-7690. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9600.

Examiner Tongoc Tran
Art Unit: 2134

TT
October 14, 2003

Matthew B. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2134